

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

CHELLE A. HALL-BOULDIN,)	ED103701
)	
Respondent,)	Appeal from the Circuit Court
)	of Lincoln County
v.)	08L6-FC00273-01
)	
DOUGLAS A. BOULDIN,)	Honorable David H. Ash
)	
Appellant.)	Filed: August 30, 2016

Douglas A. Bouldin (Husband) appeals the trial court's partial summary judgment in favor of Chelle A. Hall-Bouldin (Wife) on Husband's motions to divide undivided assets and for fraud. Husband argues a genuine factual dispute exists regarding whether the parties' prior dissolution addressed all marital assets. Husband also argues that the trial court erred in determining that his fraud claim was barred by the statute of limitations.

AFFIRMED.

Division Four Holds: Husband's claim of fraud, brought in October of 2014, was barred by the applicable five-year statute of limitations because he had means to discover the bank accounts he claims Wife concealed, and in fact Husband's counsel subpoenaed bank records for the disputed accounts, in April of 2009. Husband's corresponding claim in equity to divide undivided assets due to fraud is similarly barred by the statute of limitations. The trial court did not err in granting summary judgment in favor of Wife.

Opinion by: Gary M. Gaertner, Jr., J.
James M. Dowd, P.J., and Kurt S. Odenwald, J., concur.

Attorney for Appellant: D. Christopher LaPee
Attorney for Respondent: Anthony M. Pezzani

<p>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</p>
